

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PALM AVOCET HOLDINGS, LLC, DAVID
WETHERELL, and ELIZABETH
WETHERELL,

Plaintiffs,

v.

Miscellaneous Case No.

RT SIGNAL CORPORATION, NEXT ALPHA
CAPITAL MANAGEMENT, LP (A/K/A REAL
GENUS, LLC), NEXT ALPHA US FUND,
LLC, KATSU FUND LTD, JOHN FLOWERS
(A/K/A KANEN FLOWERS), and ARYST
WILLIAMS,

Defendants.

MOTION FOR LEAVE TO FILE CIVIL CASE UNDER SEAL IN WHOLE

Pursuant to Fed. R. Civ. P. 5.2(d), the Plaintiffs Palm Avocet Holdings, LLC, David Wetherell, and Elizabeth Wetherell (together, "Plaintiffs") respectfully request to file a new civil case against Defendants RT Signal Corporation, Next Alpha Capital Management, LP (a/k/a/ Real Genus, LLC), Next Alpha US Fund, LLC, Katsu Fund Ltd, John Flowers (a/k/a Kanen Flowers), and Aryst Williams (together, "Defendants") **under seal in whole**. A Miscellaneous Civil Cover Sheet with the true party names, a proposed sealed Complaint, and a proposed order to file civil case under seal accompany this Motion.

In support of this Motion, the Plaintiffs state the following:

- 1) The Plaintiffs plan to commence a new civil case for injunctive relief seeking specific performance of the parties' confidential settlement agreement dated as of April 15, 2020 ("Settlement Agreement," attached hereto as **Exhibit 1**). As detailed in the proposed sealed Complaint, the Defendants have failed to affirmatively perform their obligations under the Settlement Agreement.

- 2) The Settlement Agreement precludes public dissemination of information regarding details of the parties' agreement. Specifically, subparagraph 13(c) of the Settlement Agreement provides that "[a]ny party commencing a permitted suit for injunctive relief shall seek to have such suit placed under seal." Ex. 1 at ¶ 13(c).
- 3) In accordance with their obligations under Subparagraph 13(c) of the Settlement Agreement and to avoid any breach of the Agreement, the Plaintiffs, through this Motion, respectfully request leave to file a new civil case for injunctive relief seeking specific performance of the parties' Settlement Agreement against the Defendants under seal in whole.
- 4) The Plaintiffs further state that they will comply with the procedures outlined in Rule 6.14 of the United States District Court for the Southern District of New York Electronic Case Filing Rules & Instructions.

WHEREFORE, the Plaintiffs respectfully request that the Court grant this motion to file a new civil case against the Defendants under seal in whole.

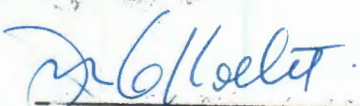
Respectfully submitted,

PALM AVOCET HOLDINGS, LLC,
DAVID WETHERELL,
and ELIZABETH WETHERELL

By their attorneys,

/s/ Sara Lonks Wong
Ian D. Roffman (*pro hac vice* application
to be submitted)
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SO ORDERED:



U.S.D.J. 6/1/22

DATED: May 31, 2022

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